



MAR 29 2002

Christie Parker & Hale
P.O. Box 7068
Pasadena, CA 91109-7068

In re Application of	:	
Yamada et al.	:	
Application No.: 09/980,606	:	DECISION
PCT No.: PCT/JP01/02073	:	
Int. Filing Date: 15 March 2001	:	UNDER
Priority Date: 15 March 2000	:	
Attorney Docket No.: 45923/DBP	:	37 CFR 1.182
For: Optical Waveguide Modulator Equipped	:	
With An Output Light Monitor	:	

This is a decision on applicants' "Request For Correction Of Inventor's Name In International Application" filed on 19 February 2002, which is being treated under 37 CFR 1.182.

BACKGROUND

This international application was filed on 15 March 2001 and claimed a priority date of 15 March 2000. The International Bureau transmitted a copy of the published international application to the USPTO on 20 September 2001. No Demand electing the United States appears to have been filed prior to the elapse of 19 months from the priority date. Consequently, the twenty period for payment of the basic national fee in the United States expired as of midnight on 15 November 2001.

On 15 November 2001, applicants filed a Transmittal Letter accompanied by, *inter alia*, the basic national fee and a declaration. The declaration named an inventor (Norikazu Miyazaki) who was not named in the published international application, and did not name an inventor (Tokuichi Miyazaki) who was named in the published international application.

DISCUSSION

A review of the application file, including applicants' arguments, reveals that one of the applicants is identified as TOKUICHI MIYAZAKI in the published international application, whereas the applicant is identified as NORIKAZU MIYAZAKI in the Declaration filed on March 15, 2001. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 is required to resolve this matter. Such a petition must be accompanied by the \$130.00 petition fee and by verified statements by the inventor and any other individuals having first-hand knowledge of the error. These statements must set forth in detail the specific circumstances as to how and when the error was made and discovered, and must also state (if appropriate) that the mistake was an inadvertent error made without deceptive intent.

CONCLUSION

The request is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Petition Under 37 CFR 1.182" and be accompanied by the required petition fee and an acceptable explanation of the facts as discussed above. Failure to timely file a proper response will result in ABANDONMENT of the application.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Leonard Smith
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
Fax: (703) 308-6459